



Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Preliminary observations of the Committee on the
Rights of the Child: Paraguay

1. The Committee began consideration of the initial report of Paraguay (CRC/C/3/Add.17) at its 167th and 168th meetings (CRC/C/SR.167-168), held on 4 and 5 October 1994, and adopted* the following preliminary observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial report and for its willingness to engage in a dialogue with the Committee. The Committee welcomes the self-critical approach taken by the State party in its initial report, especially in indicating the factors and difficulties encountered in the implementation of the Convention. However, the Committee regrets that the information provided in the initial report and in the dialogue ensuing from its consideration is not sufficient for the Committee to form a complete and accurate assessment of the implementation of the rights of the child in Paraguay. Thus, the Committee requests the State party to submit an additional report to it within one year. The Committee would appreciate receiving within such a report more detailed and complete information in response to both the Committee's written list of issues (contained in document CRC/C.7/WP.2) and to the additional questions raised and concerns expressed by its members during the examination of the report, including with regard to priorities for action to implement the rights provided for under the Convention.

* At the 183rd meeting, held on 14 October 1994.

B. Positive aspects

3. The Committee takes note that different mechanisms have been established within the State party to deal with questions relating to the situation of children. The intention of the State party to adopt a new Juvenile Code for improving the protection and promotion of the rights of the child is also noted. Additionally, the Committee wishes to draw attention to the provision incorporated within the Constitution that not less than 20 per cent of the national budget be devoted to education. It also notes that efforts are being undertaken by the State party to provide bilingual programmes within the primary education system.

C. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes that Paraguay is going through a period of transition to democracy, having only recently emerged from a dictatorship form of governance. The Committee recognizes that the legacy of certain attitudes and traditions from this period hamper the effective implementation of the rights of the child.

D. Principal subjects of concern

5. The Committee is concerned that sufficient attention does not seem to have been paid to the development of a coordinating institution to monitor the implementation of the rights of the child in Paraguay. The Committee is equally concerned about the extent to which the bodies established to consider the situation of children are provided with the requisite support and resources in order to permit them to fulfil their designated functions. In addition, the Committee remains unclear as to the extent to which the process of reviewing the implementation of the rights of the child in the State party was designed to encourage and facilitate popular participation and public scrutiny of government policies.

6. The Committee is of the view that adequate measures have not yet been taken to make the principles and provisions of the Convention known to adults and children alike. Similarly, it is noted that professionals and personnel working with or for children, including military personnel, law enforcement officials, judges, health workers and teachers, lack sufficient training about the Convention on the Rights of the Child and other relevant international standards relating to the rights of the child.

7. The Committee wishes to express its general concern that the State party does not appear to have fully taken into account the provisions of the Convention, including its general principles, as reflected in its articles 2, 3, 6 and 12, in the legislative and other measures relevant to children in Paraguay. In this connection, the Committee notes that the low marriageable age for girls, presently standing at 12, and the fact that this age is lower for girls than boys are incompatible with the provisions of the Convention, including those of its article 2. In addition, the Committee is of the opinion that other legislation in force in Paraguay relating to the definition of the child with regard to the performance of military service and to the non-validity of children's statements in cases of alleged sexual abuse also

raises concern as to its compatibility with the spirit and purpose of the Convention, especially in ensuring that the best interests of the child shall be a primary consideration in all actions concerning children.

8. The Committee is generally concerned that Paraguayan society is not sufficiently sensitive to the needs and situation of the girl child. It also notes the persistence of discrimination against children belonging to minority and indigenous groups contrary to the provisions of article 2 of the Convention.

9. Moreover, within the framework of the application of article 4 of the Convention, relating to the allocation of resources to the maximum extent possible, the Committee is concerned about the insufficient portion of the national and local-level budgets allocated to social and human needs, especially with regard to responding to the situation of the most vulnerable groups of children. In this connection, the Committee wishes to emphasize the importance of the provisions of article 3 of the Convention, relating to the best interests of the child, in guiding deliberations and decisions on policy, including with regard to the allocation of human and economic resources for the implementation of the rights guaranteed under the Convention. The Committee also wishes to underline its concern about the adequacy of statistical and other data collection systems existing within the State party to assist in the formulation and design of strategies to implement the rights of the child.

10. The Committee is concerned that insufficient measures have been taken to implement the provisions of articles 7 and 8 of the Convention, particularly with regard to ensuring birth registration and that children are provided with the necessary registration certificates and other documents which accurately protect and preserve the elements of their identity. It is noted that the absence of appropriate measures for registration may seriously affect the level of the child's enjoyment of other fundamental rights and freedoms.

11. The Committee expresses its grave concern over the information brought to its attention of alleged trafficking in inter-country adoptions in violation of the provisions and principles of the Convention. It is further concerned about the absence of a normative framework in the field of inter-country adoptions, namely in the light of articles 3, 12 and 21 of the Convention.

12. The Committee notes that the social inequalities existing in the country, including through the unequal distribution of income and land, have contributed to the considerable problems facing children in Paraguay. The Committee is further concerned that the difficulties being faced by children living in rural and in disadvantaged urban areas may lead to their parents or guardians placing them in the service of wealthier families which frequently leads to the ill-treatment and abuse of these children.

13. The Committee is very much alarmed at reports it has received of the ill-treatment of children in detention centres. In view of the seriousness of such alleged violations, the Committee is concerned about the insufficient training provided to law enforcement officials and personnel of detention centres on the provisions and principles of the Convention and other relevant

international instruments such as "The Beijing Rules", the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

14. The Committee is concerned that, in spite of the fact that the educational system is undergoing a considerable process of reform, the problems of a low rate of access to and retention in school, as well as a high level of school drop-out, remain.

Further action

15. The Committee notes that, during the initial dialogue with the State party, matters relating to basic health and special protection measures were not addressed. The Committee recommends that the additional report requested of the State party cover these issues. In addition, the Committee wishes to be informed of the progress achieved with regard to the establishment of a national coordinating mechanism to monitor the rights of the child and of the participation of various bodies involved in promoting and protecting children's rights, including non-governmental organizations, in such monitoring activities. The Committee would also wish to be informed of the measures taken to ensure that the provisions of the Convention, particularly its articles 3, 12 and 21, are fully taken into consideration, including in the determination and application of legislation and procedures pertaining to the matter of adoption. In this connection, the Committee wishes to encourage the Government of Paraguay to consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 and concluding bilateral agreements with the countries of prospective adoptive parents.

16. The Committee notes the statement contained in paragraph 160 of the State party report which indicates the importance the Government of Paraguay attaches to the Committee's advice on measures to be taken to improve the implementation of the rights of the child, and welcomes the State party's commitment to cooperating with the Committee and other United Nations bodies and agencies with a view to promoting and protecting the rights of the child. In this connection, the Committee takes further note of the technical cooperation currently provided to the Government of Paraguay through a joint programme supported by the Centre for Human Rights and the United Nations Development Programme. The Committee recommends that the concerns raised by the Committee with regard to the realization of the rights of the child should be incorporated within the activities organized under this joint programme.
